

ORIGINAL



0000164215

Date: October 2, 2015

To: **Docket Control**
Arizona Corporation Commission
1200 West Washington St.
Phoenix, AZ 85007

From: Robert T. Hardcastle
Circle City Water Co LLC

FOR FILING ORIGINAL AND 13 COPIES INTO:


DOCKET NO. W-03510A-13-0397

By:


Robert T. Hardcastle

Arizona Corporation Commission
DOCKETED

OCT 13 2015

DOCKETED BY	
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AZ CORP COMMISSION
DOCKET CONTROL

2015 OCT 13 AM 10:10

RECEIVED

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2
3 Robert T. Hardcastle
4 Circle City Water Company, LLC
5 P.O. Box 82218
6 Bakersfield, CA 93380-2218
7 *Representing Itself In Propria Persona*
8

9 **COMMISSIONERS**

10 Susan Bitter Smith, Chairman
11 Bob Burns, Commissioner
12 Doug Little, Commissioner
13 Bob Stump, Commissioner
14 Tom Forese, Commissioner
15

16 IN THE MATTER OF THE)	Docket No. W-03510A-13-0397
17 APPLICATION OF CIRCLE CITY)	
18 WATER COMPANY, LLC FOR)	CIRCLE CITY WATER
19 DELETION OF A PORTION OF ITS)	COMPANY LLC's MOTION
20 EXISTING CERTIFICATE OF)	TO RELINQUISH SUBPOENA
21 CONVENIENCE AND)	SERVED UPON REX MAUGHAN
22 NECESSITY FOR WATER SERVICE)	
23 _____)	

24
25 On September 3, 2018 the Arizona Corporation Commission (the "Commission")
26 properly issued an Administrative Subpoena for Testimony (the "Subpoena") upon Rex
27 Maughan of Forever Living Products, LLC (see attached Exhibit 1). The Subpoena was
28 properly served upon Mr. Maughan's Executive Assistant, Desiree Likins, on September
29 17, 2015. Mr. Maughan is an intervener in this case and is the landowner of the
30 underlying property that Warrick 160 LLC seeks to develop into 78 residential lots. Mr.
31 Maughan, according to his counsel, has no equity position or ownership interests in
32 Warrick 160, LLC, Harvard Investments, Inc., Harvard 5K, LLC or the Lake Pleasant
33 5000 Project (the "Project") whose Managing Member is LP5K, LLC who is extensively
34 discussed throughout this Docket. According to counsel, Intervener Rex Maughan plans
35 to make available for examination other counsel for Mr. Maughan, RJay Lloyd, during

1 the previously scheduled Hearing of October 16, 2015. Circle City Water Company LLC
2 ("Circle City") believes that Mr. Lloyd can adequately reply to Circle City's examination
3 questions during the Hearing and that Mr. Maughan's attendance and availability would
4 be redundant and unnecessary.

5 In this regard, Circle City hereby files its Motion to Relinquish the previously
6 issued Subpoena upon Mr. Maughan.

7
8 RESPECTFULLY SUBMITTED this 2nd day of October 2015.

9 Circle City Water Company, LLC

10 By: 

11 Robert T. Hardcastle

12 *In Propria Persona*
13
14

15 ORIGINAL and 13 copies filed
16 this 2nd day of October 2015, with:
17

18 **Docket Control**
19 **Arizona Corporation Commission**
20 **1200 West Washington St.**
21 **Phoenix, AZ 85007**
22

23 And copies mailed to the following:

24
25 Yvette B. Kinsey, Administrative Law Judge
26 HEARING DIVISION
27 Arizona Corporation Commission
28 1200 West Washington St.
29 Phoenix, AZ 85007
30

31 Dwight Nodes
32 HEARING DIVISION
33 Arizona Corporation Commission
34 1200 West Washington St.
35 Phoenix, AZ 85007
36

1 Jodi A. Jerich
2 Executive Director
3 Arizona Corporation Commission
4 1200 West Washington St.
5 Phoenix, AZ 85007
6

7 Janice Alward
8 Chief, Legal Division
9 Arizona Corporation Commission
10 1200 West Washington St.
11 Phoenix, AZ 85007
12

13 Thomas Broderick
14 Utilities Division
15 Arizona Corporation Commission
16 1200 West Washington St.
17 Phoenix, AZ 85007
18

19 Robin Mitchell
20 Legal Division
21 Arizona Corporation Commission
22 1200 West Washington St.
23 Phoenix, AZ 85007
24

25 Brian E. Smith
26 Legal Division
27 Arizona Corporation Commission
28 1200 West Washington St.
29 Phoenix, AZ 85007
30

31 Gary Hays
32 1702 E. Highland Ave., Suite 204
33 Phoenix, AZ 85016
34

35 Darin P. Reber
36 7501 E. McCormick Parkway
37 Scottsdale, AZ 85258
38

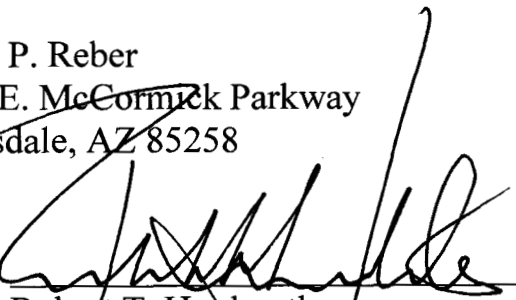
39
40 By: 
41 Robert T. Hardcastle
42 Circle City Water Company, LLC

EXHIBIT 1

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 SUSAN BITTER SMITH - Chairman

4 BOB STUMP

5 BOB BURNS

6 DOUG LITTLE

7 TOM FORESE

8 IN THE MATTER OF THE APPLICATION OF
9 CIRCLE CITY WATER COMPANY, LLC FOR
10 DELETION OF A PORTION OF ITS
11 EXISTING CERTIFICATE OF
12 CONVENIENCE AND NECESSITY FOR
13 WATER SERVICE

DOCKET NO. W-03510A-13-0397

**APPLICATION FOR ADMINISTRATIVE
SUBPOENA FOR TESTIMONY**

14 CIRCLE CITY WATER COMPANY LLC requests the issuance of a subpoena ~~duces tecum~~
15 to Rex Maughn, pursuant to A.R.S. §§ 40-241, 40-244, A.A.C. R14-3-109, and Ariz. R. Civ. P. 30
16 and 45 in connection with the administrative hearing in the above-captioned action.

17 DATED this 3rd day of September, 2015.

18 Circle City Water Company LLC
19 P.O. Box 82218
20 Bakersfield, CA 93380
21 (661) 633-7526
22 RTH@brookeutilities.com
23
24
25
26
27
28

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 SUSAN BITTER SMITH - Chairman

4 BOB STUMP

5 BOB BURNS

6 DOUG LITTLE

7 TOM FORESE

8 IN THE MATTER OF THE APPLICATION OF
9 CIRCLE CITY WATER COMPANY, LLC FOR
10 DELETION OF A PORTION OF ITS
11 EXISTING CERTIFICATE OF
12 CONVENIENCE AND NECESSITY FOR
13 WATER SERVICE

DOCKET NO. W-03510A-13-0397

**ADMINISTRATIVE
SUBPOENA FOR TESTIMONY**

14 TO: Rex Maughn
15 Forever Living Products, LLC
16 7501 E. McCormick Parkway
17 Scottsdale, AZ 85258

18 YOU ARE HEREBY COMMANDED, pursuant to A.R.S. §§ 40-241, 40-244, A.A.C. R14-3-
19 109 and Ariz. R. Civ. P. 30 and 45 to appear and testify under oath in connection with the
20 administrative hearing in the above-captioned action.

21 BEFORE WHOM APPEARANCE TO BE MADE: Arizona Corporation Commission

22 DATE AND TIME OF APPEARANCE: October 16, 2015

23 PLACE OF APPEARANCE: Arizona Corporation Commission
24 1200 West Washington St.
25 Phoenix, AZ 85007

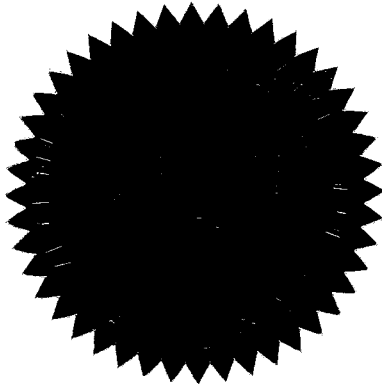
26 YOU ARE COMMANDED to give testimony concerning:

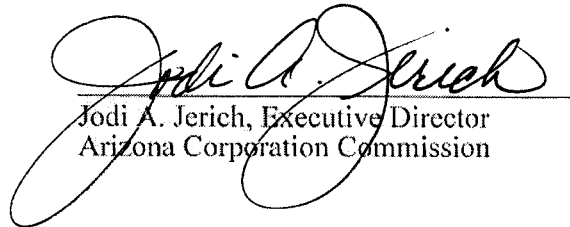
27 The Application of Circle City Water Company LLC, as noted above, in
28 Docket No. W-03510A-13-0397.

YOU HAVE BEEN SUBPOENED BY: Robert T. Hardcastle
Circle City Water Company LLC
P.O. Box 82218
Bakersfield, CA 93380
(661) 633-7526
RTH@brookeutilities.com

1
2 DISOBEDIENCE OF THIS SUBPOENA constitutes contempt of the Arizona Corporation
3 Commission and may subject you to further proceedings and penalties under law, pursuant to A.R.S.
4 § 40-424.

5 Given under by hand the seal of the Arizona Corporation Commission this 3rd day
6 of September, 2015.




Jodi A. Jerich, Executive Director
Arizona Corporation Commission

27 Persons with a disability may request a reasonable accommodation such as a sign language
28 interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal,
Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail
sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the
accommodation.

Attorney or Party without Attorney: Robert T. Hardcastle C.O.D. Telephone No:			For Court Use Only		
Attorney for:		Ref. No. or File No.: CIRCLE CITY			
Insert name of Court, and Judicial District and Branch Court: BEFORE THE ARIZONA CORPORATION COMMISSION					
Applicant: IN THE MATTER OF THE APPLICATION OF: CIRCLE CITY WATER COMPANY, LLC, ETC.					
AFFIDAVIT OF SERVICE SUBPOENA		Hearing Date: Fri, Oct. 16, 2015	Time:	Dept/Div:	Case Number: W-03510A-13-0397


1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the ADMINISTRATIVE SUBPOENA FOR TESTIMONY; APPLICATION FOR ADMINISTRATIVE SUBPOENA FOR TESTIMONY
3. a. Party served: REX MAUGHN
 b. Person served: DESIREE LIKINS, EXECUTIVE ASSISTANT, AUTHORIZED, Caucasian, Female, 35 Years Old, Black Hair, Brown Eyes, 5 Feet 5 Inches, 100 Pounds
4. Address where the party was served: 7501 EAST MCCORMICK PARKWAY
 SCOTTSDALE, AZ 85258
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Thu., Sep. 17, 2015 (2) at: 12:55PM
 - b. I received this subpoena for service on: Thursday, September 17, 2015
6. Witness fees were not demanded or paid.
7. Person Who Served Papers:

Fee for Service: \$120.00

 - a. Robert Brooks
 - b. First Legal Support Services
 3737 N 7th Street, Suite 125
 PHOENIX, AZ 85014
 - c. (602) 248-9700

8. I declare under penalty of perjury under the laws of the State of ARIZONA and under the laws of the United States Of America that the foregoing is true and correct.

AFFIDAVIT OF SERVICE
SUBPOENA


 (Robert Brooks)

502213 .1000.731117